

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DELBERT CHARLES COBB,

Petitioner,

v.

E. K. McDANIELS,

Respondents.

Case No. 3:15-cv-00172-MMD-WGC

ORDER

Petitioner has submitted an application to proceed *in forma pauperis* (dkt. no. 1), a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, a motion to file excess pages, and a motion for appointment of counsel. The Court grants the motion to file excess pages. Petitioner is unable to afford counsel, and the issues presented warrant the appointment of counsel. See 18 U.S.C. § 3006A(a)(2)(B). Although petitioner has paid the filing fee, the Court will grant the application (dkt. no. 1) because the Court is appointing counsel to represent petitioner.

Petitioner also has submitted a motion to expand the record. This motion is moot because the Court is appointing counsel, who will have the opportunity to file an amended petition.

It is therefore ordered that the Clerk of the Court file the petition, the motion to expand the record, the motion for appointment of counsel, and the motion to file excess pages.

It is further ordered that the motion to file excess pages is granted.

It is further ordered that the motion to expand the record is denied as moot.

It is further ordered that petitioner's motion for appointment of counsel is granted.

The Federal Public Defender is provisionally appointed to represent petitioner.

1 It is further ordered that the Federal Public Defender shall have thirty (30) days  
2 from the date that this order is entered to undertake direct representation of petitioner or  
3 to indicate to the Court his inability to represent petitioner in these proceedings. If the  
4 Federal Public Defender does undertake representation of petitioner, he shall then have  
5 sixty (60) days to file an amended petition for a writ of habeas corpus. If the Federal  
6 Public Defender is unable to represent petitioner, then the Court shall appoint alternate  
7 counsel.

8 It is further ordered that neither the foregoing deadline nor any extension thereof  
9 signifies or will signify any implied finding of a basis for tolling during the time period  
10 established. Petitioner at all times remains responsible for calculating the running of the  
11 federal limitation period and timely asserting claims.


12 It is further ordered that the Clerk shall add Adam Paul Laxalt, Attorney General  
13 for the State of Nevada, as counsel for respondents.

14 It is further ordered that the Clerk shall electronically serve both the Attorney  
15 General of the State of Nevada and the Federal Public Defender a copy of the petition  
16 and a copy of this order.

17 It is further ordered that respondents' counsel shall enter a notice of appearance  
18 within twenty (20) days of entry of this order, but no further response shall be required  
19 from respondents until further order of the Court.

20 It is further ordered that any exhibits filed by the parties shall be filed with a  
21 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF  
22 attachments that are filed further shall be identified by the number or numbers (or letter  
23 or letters) of the exhibits in the attachment. The hard copy of any additional state court  
24 record exhibits shall be forwarded — for this case — to the staff attorneys in Las Vegas.

25 DATED THIS 19<sup>th</sup> day of June 2015.

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27   
28 MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE